App. F. IX-4

Revenue

1927. File No. 9-27

Previous References (V.P) Serial Nos. 11218

18/1/28

Later References

General and Revenue Secretariat.

Serial Nos.

P7/E

Part B for Jan 28

SUBJECT

Recovery of the arrears of dues of more than three years in Village panchayets

18 To, The D.C. Mysore
No. L 3901/d 5.1.28

States that the Government limitation bars the remedy though the right subsists

JS 31-1-28

General and Revenue Secretariat. | VP File No. 9 of 1927.

	Serial No.	
2546 d	11	Letter no E.C 123 d 26th Nov 1927 from the D.C. Mysore stating that Sec 40 (6) of the V.P Regn only contemplates that such arrears should not be recovered as an arrear of Land Revenue under sub secs 1, 2, & 4 of Sec 40 and there appears nothing to prohibit the institution of suits in civil courts for the recovery of such arrears under sec 40 (6) of the Regn

The file containing the letter which the D.C. ~~letter~~ refers is put up below. The D.C. may perhaps be replied that the limit of 3 years applies for taking proceedings under, ~~sec~~, sub secs 1, 2, & 4 of ~~the~~ sec 40 of the V.P. Regn.

Draft submitted for orders.

Ch 16/12/27

The view of the D.C. seems correct. For favour of remarks. Reference is invited also to the opinion recorded by the Law Secy on the linked file.

MWJ 21/12

Law Secy

The view of the D.C. is not correct. The limitation bars the remedy but not the right to sue. Hence no suit can be

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. GP File No. 9 P of 1927 25462

Serial No.

brought for the recovery of the amount.
But if the villagers can be persuaded to render some service in lieu of payment, it is not illegal to accept such service.

The law is that barred debt affords a good consideration & can be recovered without going to a Court of Law to enforce its recovery.

Secy. Legl.

22/12

28/12

Bar'dbt accepted

29/12

Draft submitted accordingly

27/12/27

Re. Recovery of dues older than three years in Village Panchayats.

Attention is invited to the D.C's letter of 26th Nov. The Law Secy's view is that the D.C's interpretation is not correct. Draft sent to the Law Secy's view is put up for appl.

29/12

5289 30/12

Joint Member.

31/12

Done 31/12

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. V.D File No. 9 of 1927

Serial No.	
18	L 3901 dy 5/1/28 Mr D.C. Bijnor C. States that the limitation bars the remedy through the Civil Courts
B	

NOTE—Contn. sheet

WD 0324—GPB—60,000—21-5-27

DNO 2546 2-5-28
29-11-27

No. G.C.123/27-28

Office of
The Deputy Commissioner,
Mysore District,
M Y S O R E.

Dated, Mysore 25th November 1927.
26th:-

From

A.V.Ramanathan, Esq., B.A.
Deputy Commissioner,
Mysore District,
M Y S O R E.

To

R.Panga Rao, Esq., B.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
B A N G A L O R E.

Sir,

Adverting to your memo No.6544-50 dated the 9th November 1927 forwarding a copy of your letter No. the Deputy Commissioner Bangalore District, stating that the Village Panchayets cannot recover arrears of taxes of more than three years after the amounts become due, I have the honour to state as follows:-

The reference of the Deputy Commissioner, Bangalore District, presupposes the illegality of the Panchayets recovering the arrears of more than three years old. But the Law does not prohibit realisation of such arrears but only prohibits their recovery by distraint or as an arrear of Land Revenue. The practice prevailing in this District is to persuade the villagers to do some communal work of public utility in lieu of the cash payment of old arrears and to get it done and adjusted towards their due, cash payment being insisted only on those who do not do any work. This has worked well in several villages and the habit is steadily, though slowly, gaining ground. But still there are several Panchayets where

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the residents, on account of their general backwardness and indifference or factious feeling, need only an excuse to shirk work and responsibility; ~~there~~ and there are other villages where the residents do not cherish the constitution of Panchayets at all and who have all along thwarted their working and would wish them done away with; and to these classes of people, the order under advertance opens an easy way to frustrate the successful working of the scheme. Their example will then be followed by others and thus will be a set-back to the movement.

As already hinted, Section 40 (6) only contemplates that such arrears should not be recovered as an arrear of Land Revenue under Sub Sections (1), (2), and (4) of Section 40. There appears to be nothing to prohibit the institution of suits in Civil Courts for the recovery of such arrears under Section 40 (5) of the Regulation. Though there may not be ~~an~~ any need to follow such a course, i.e., filing suits, yet, it is necessary that this reserve power should be made known so ~~tha~~ that the procedure of doing communal work for arrears which is coming into vogue in this District may establish itself.

I have the honour to be,
Sir,
Your most obedient servant,

Narayana Rao

for Deputy Commissioner,
Mysore District,
M Y S O R E. absent from head quarters

-:0:-

A. P. F. VI. G[illegible]

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SUBJECT.....

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Section V8

File No. 9-27

Serial No. 18

No. L2901

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The Dy Comr
Mysore Dt

Date of issue. 5-1-28

Signed by Mallappa V Iyengar

Sir,

With reference
to your letter No S.C 123
d 26th Nov 1927 regarding
the recovery
by V. Panchgatis of
arrears of taxes of more
than three years after
the amounts become
due, I am directed
to state that the
limitation bars the
suit remedy though
the right subsists. Hence

List of enclosures.....

Copied by .....

Examined by .....

over

WD0325—GPB—80,000—26-5-27

No suit can be brought for the recovery of the amount. But if the villagers can be persuaded to do, render some services in lieu of payment, it is not illegal to accept such payment or service.

~~The law is that~~ barred debt afford a good consideration and can be recovered without going to a court of law to ~~enforce its recovery~~.

Thanks

Now 29/11 objection by to Govt

Ch 27/12